

United States District Court
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ZIA SHAIKH,

Plaintiff,

v.

ALLEN CITY COUNCIL, *et al.*,

Defendants.

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Civil Action No. 4:21-cv-953-ALM-KPJ

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 8, 2023, the Magistrate Judge entered proposed findings of fact and recommendations (the “Report”) (Dkt. #66).

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s Report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that Defendants Yasser Shaikh, Junaid Shaikh, Aylene Shaikh, Nicola Shaikh, and Zubair Shaikh’s¹ (together, Shaikh Family Defendants”) Motion to Dismiss (Dkt. #24), Defendant State Commission on Judicial Conduct’s (the “Commission”) Motion to Dismiss (Dkt. #26), Defendant State Bar of Texas’s (the “State Bar”) Motion to Dismiss (Dkt. #27), and Defendants McCathern, Shoukhi, Evans, Grinke PLLC, Scott

¹ Zubair Shaikh appears to have been incorrectly named as “Zubair Hassan”, who Shaikh Family Defendants assert is Plaintiff Zia Shaikh’s brother. *See* Dkt 1 at 1; Dkt. 24 at 2.

Becker, Esq., Erin R. Clegg, Esq., and Michael P. Ricchi's, Esq. (together, "McCathern Defendants") Motion to Dismiss (Dkt. 30) are **GRANTED IN PART** and **DENIED IN PART**. Plaintiff Zia Shaikh's claims for equitable or declaratory relief against all Defendants are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction under the *Rooker-Feldman* doctrine. Plaintiff's claims for monetary damages against the Commission and State Bar are **DISMISSED WITHOUT PREJUDICE** on the basis of sovereign immunity. Plaintiff's claims for monetary damages against Shaikh Family Defendants and McCathern Defendants are **DISMISSED WITH PREJUDICE** for failure to state a claim. Plaintiff's claims for monetary damages against Allen City Council, Allen Police Department, 429th District Court Judge Jill Willis ("Judge Willis"),² and 366th District Court Judge Ray Wheless ("Judge Wheless") are **DISMISSED WITH PREJUDICE** *sua sponte* pursuant to U.S.C. § 1915(e)(2)(B) (ii).

All relief not previously granted is hereby **DENIED**.

The Clerk is directed to **CLOSE** this civil action.

SIGNED this 13th day of March, 2023.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE

² Plaintiff appears to have incorrectly named Judge Willis as "Judge Wills". *See generally* Dkt. 1. Judge Willis is the presiding judge for the 429th District Court in Collin County, Texas.